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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,442	03/28/2001	Paul W. Bennett	5676-00600	6660

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EXAMINER

STEVENS, ROBERT

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,442

Applicant(s)

BENNETT, PAUL W.

Examiner

Robert M Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: **Application No. 09/820,442** amendment filed 11/8/2004 to the original application filed 3/28/2001 by Bennett entitled "System and Method for Calculation using Multi-Field Columns with Hidden Fields". This application claims neither foreign nor domestic priority.
2. The rejections raised in First Action On the Merits (FAOM) of claims 1-36 under 35 USC 103(a) as being unpatentable over Norden-Paul et al., has been withdrawn as necessitated by amendment.
3. The Office raises new rejections of the claims under 35 USC 101, 35 USC 112, 2nd and 35 USC 103(a), as necessitated by amendment. Further discussion follows.
4. Claims 37-63 are pending. Claims 37, 46 and 55 are independent.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. **Claims 55-63 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 55: The language of this claim raises a question as to whether this claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

Claim 55 is not tangibly embodied, as evidenced by the language of the preamble, which is directed to a “carrier medium”.

Claims 56-63 are dependent upon claim 55, and do not add any limitations that would render these claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

To expedite a complete examination of the instant application, the claims rejected under 35 USC 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 55-63 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 55, a claim which is intended to embrace both product or machine and process is ...invalid under 35 USC 112, second paragraph, since the claim which purports to be both machine and process is ambiguous and therefore does not particularly point out and distinctly claim subject matter of invention. *Ex parte Lyell*, 17 USPQ2d 1548 (BdPatApp&Int 1990).

Claims 56-63 are dependent upon claim 55, and therefore likewise rejected.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 37-63 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Glassey (US Patent No. 5,604,854, filed May 22, 1996 and issued Feb. 18, 1997, hereafter referred to as "Glassey") in view of Patrick Blattner et al., Special Edition,

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Using Microsoft Excel 2000, Que Corp., Indianapolis, IN, May 1999, pp. 61-70, 74-84, 111-113, 244-248, 261-272, 520-523 and 574-585, hereafter referred to as "Blattner").

Regarding independent claim 46, Glassey discloses:

(new) A system comprising:

a CPU; (Fig 1A #101)

a display screen coupled to the CPU; (Fig. 1A #106)

a memory coupled to the CPU, wherein the memory stores program instructions which are executable by the CPU (Fig. 1A #102, 110, 101, it being implicit that memory stores program instructions) to:

display a column on a display screen (Fig. 5F, re: column labeled "Q1" and Fig 1A #106), wherein the column comprises a first set of data in a first sub-column (Fig. 5F "Sales") and a second set of data in a second sub-column (Fig. 5F "Cases Sold"), wherein the first sub-column comprises a first set of fields displayed vertically in a plurality of rows (Fig. 5F "EAST"), wherein the second sub-column comprises a second set of fields displayed vertically in the plurality of rows (Fig. 5F "EAST"), wherein the first sub-column is displayed alongside the second sub-column (Fig. 5F "Sales", "Cases Sold"), and wherein the column comprises a column label substantially spanning at least a combined width of the first sub-column and the second sub-column; (Fig. 5F "Q1")

... ; and

redisplay the column on the display screen (Fig. 5E and Fig. 1A #106) ... , wherein in redisplaying the column (Fig. 5E), the program instructions are executable by the CPU to:

display the second sub-column and the column label; (Fig. 5E, re: "Cases Sold") and

omit the first sub-column from the redisplayed column. (Fig. 5E, noting "Sales" sub-column is omitted)

However, Glassey does not explicitly disclose:

...

receive user input to hide the first sub-column; and

... in response to receiving the user input to hide the first sub-column ...:

....

Blattner, though, discloses:

...
receive user input to hide the first sub-column; (p. 67 bullets below
"Tip #33") and
... in response to receiving the user input to hide the first sub-
column (p. 70 Fig. 2.37 and surrounding descriptions)...:
....

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Blattner for the benefit of Glassey, because to do so would allow one to prevent something from being printed if the content is of no interest to the reader, as taught by Blattner in the paragraph below "Hiding and Unhiding Rows and Columns" on p. 67. These references were all applicable to the same field of endeavor, i.e., manipulation of spreadsheet document components.

Regarding claim 47, which is dependent upon claim 46, the limitations of claim 46 have been previously addressed. Glassey further discloses:

wherein in displaying the column, the program instructions are executable by the CPU to display the column label atop the column; (Fig. 5E "Q1") and
wherein in redisplaying the column, the program instructions are executable by the CPU to display the column label atop the column. (Fig. 5E "Q1")

Regarding claim 48, which is dependent upon claim 48, the limitations of claim 48 have been previously addressed. Glassey further discloses:

wherein in displaying the column (Fig. 5F), the program instructions are executable by the CPU to:
display a first field label atop the first sub-column and below the column label; (Fig. 5F "Sales") and

display a second field label atop the second sub-column, below the column label, and alongside the first field label; (Fig. 5F "Cases Sold") and wherein in redisplaying the column (Fig. 5E), the program instructions are executable by the CPU to display the second field label atop the second sub-column and below the column label. (Fig. 5E, re: "Cases Sold")

Regarding claim 49, which is dependent upon claim 48, the limitations of claim 48 have been previously addressed. Glassey further discloses:

wherein in redisplaying the column, the program instructions are executable by the CPU to omit the first field label from the redisplayed column. (Fig. 5E, noting "Sales" is omitted under the column "Q1")

Regarding claim 50, which is dependent upon claim 46, the limitations of claim 46 have been previously addressed.

However, Glassey does not explicitly disclose:

wherein the first set of data or the second set of data comprises one or more mathematical operators.

Blattner, though, discloses:

wherein the first set of data or the second set of data comprises one or more mathematical operators. (p. 263 Fig. 10.10 "Total" column shown having "=" operator, applying a sum function which applies an addition operation to the numerics of cells C5 through F5, the use of formulas/functions comprising operators and numerics being well known in the art.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Blattner for the benefit of Glassey, because to do so would allow one to prevent something from being printed if the content is of no interest

to the reader, as taught by Blattner in the paragraph below "Hiding and Unhiding Rows and Columns" on p. 67. These references were all applicable to the same field of endeavor, i.e., manipulation of spreadsheet document components.

Regarding claim 51, which is dependent upon claim 46, the limitations of claim 46 have been previously addressed. Glassey further discloses:

wherein the first set of data or the second set of data comprises one or more numeric values. (Fig. 5F Sales:Beaulieu cell = 175090.00)

Regarding claim 52, which is dependent upon claim 46, the limitations of claim 46 have been previously addressed.

However, Glassey does not explicitly disclose:

wherein the first set of data or the second set of data comprises one or more comment strings.

Blattner, though, discloses:

wherein the first set of data or the second set of data comprises one or more comment strings. (p. 111 "Using Comments to Explain Cell Content" explains the well known concept of adding comments to spreadsheet cells.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Blattner for the benefit of Glassey, because to do so would allow one to prevent something from being printed if the content is of no interest to the reader, as taught by Blattner in the paragraph below "Hiding and Unhiding Rows

and Columns” on p. 67. These references were all applicable to the same field of endeavor, i.e., manipulation of spreadsheet document components.

Regarding claim 53, which is dependent upon claim 46, the limitations of claim 46 have been previously addressed. Glassey further discloses:

wherein the column comprises a third set of data in a third sub-column, wherein the third sub-column comprises a third set of fields displayed vertically in the plurality of rows; (Fig. 6D #650 shows a column, 3 sub-columns and associated data displayed in rows, it being noted that the arrangement of data for display is merely a matter of obvious choice.) and

wherein the column label substantially spans at least a combined width of the first sub-column, the second sub-column, and the third sub-column. (Fig. 6D #650, noting column label “S”)

Regarding claim 54, which is dependent upon claim 46, the limitations of claim 46 have been previously addressed.

However, Glassey does not explicitly disclose:

wherein the first set of data and the second set of data comprise one or more mathematical operators and one or more numeric values; and wherein the program instructions are further executable by the CPU to:

automatically calculate a result by applying the mathematical operators to the numeric values; and display the result on the display screen.

Blattner, though, discloses:

wherein the first set of data and the second set of data comprise one or more mathematical operators and one or more numeric values; (p. 263 Fig. 10.10 “Total” column shown having “=” operator, applying a sum function which applies an addition operation to the numerics of cells C5 through F5, the use of formulas/functions comprising operators and numerics being well known in the art.) and

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wherein the program instructions are further executable by the CPU to:
automatically calculate a result by applying the mathematical operators to the numeric values; (p. 263 Fig. 10.11 "Total" column displaying the calculated result) and
display the result on the display screen. (p. 263 Fig. 10.11 "Total" column displaying the calculated result)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Blattner for the benefit of Glassey, because to do so would allow one to prevent something from being printed if the content is of no interest to the reader, as taught by Blattner in the paragraph below "Hiding and Unhiding Rows and Columns" on p. 67. These references were all applicable to the same field of endeavor, i.e., manipulation of spreadsheet document components.

Claims 37-45 are directed to the methods implemented by the systems of claims 46-54. As such, claims 37-45 are substantially similar to claims 46-54, and therefore likewise rejected.

Claims 55-63 are directed to media comprising program instructions to implement the methods carried out by the systems of claims 46-54. As such, claims 55-63 are substantially similar to claims 46-54, and therefore likewise rejected.

Response to Arguments

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11. Applicant's arguments filed 11/8/2004 have been fully considered but they are not persuasive.

It is respectfully noted that Applicant's amendment to the claims significantly changes the scope of the claimed invention as a whole. As such, Applicant's arguments concerning FAOM rejections under 35 USC 103(a) have been rendered moot.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Non-patent Literature

Moseley, Lonnie E., et al., Mastering Microsoft Office 97, Professional Edition, 2nd Edition, Sybex Inc., San Francisco, CA, © 1997, pp. 444-451 and 457-477.

Wempen, Faithe, et al., The Essential Excel 2000 Book, Prima Tech, Rocklin, CA, © 1999, pp. 42-44.

Reisner, Trudi, Sam's Teach Yourself Microsoft Excel 2000 in 24 Hours, Sam's Publishing, Indianapolis, IN, May 1999, pp. 158 and 288-289.

US Patent Application Publications

Pratley et al	US2001/0049699
Waller et al	US2003/0195791

US Patents

Clancey et al	6,292,811
Clancey et al	6,134,563
Moise et al	6,626,959
Sullivan et al	6,651,216
Coulson et al	6,526,399
Pratley et al	6,442,575

Barg et al	6,707,454
Katsumata et al	6,301,591
Edelman	6,292,809
Hoag	6,313,848
Grealish	6,711,715
Lindsay	6,694,338
Michelman et al	5,255,356
Freivald et al	5,983,268
Ammirato et al	5,499,180
Crandell et al	5,390,296
Kahn	5,581,678

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Art Unit 2176
Date: February 5, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

rms